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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,127

02/07/2007

Masami Yoshida

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9356

110 7590 05/11/2007
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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,127

Applicant(s)

YOSHIDA, MASAMI

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/16/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "characterized in that" (line 14) should read --wherein--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP Patent No. 357095224 A to Akazawa in view of DE 42 03 329 A1 to Kadereit et al. and U.S. Patent No. 2,239,917 to Hunter et al.

Akazawa discloses a height adjusting device that is basically the same as that recited in claim 1 except that the device lacks supporting pins, as recited in the claims.

See Figures 2 and 3 of Akazawa for the teaching that a height adjusting device has two pairs of forward and rearward linkage members 19,20 with the forward linkage members being bridged between first portions of side frame sections 27 and first pairs of spaced apart brackets 17 and with the rearward linkage member being bridged between second portions of the side frame sections and second pairs of spaced apart brackets 18, a connecting shaft 24 rotatably supported to the side frame sections, the

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rearward linkage member being supported by the connecting shaft, and an operating knob 50 attached to the first side frame section.

Kadereit et al. show a height adjusting device similar to that of Akazawa wherein the device has a linkage member 18 (see Fig. 4) cooperating with side frame sections 12, a connecting rod 14 rotatably supported to the side frame sections, and supporting pins 69 with first end portions penetrated through the linkage member and fitted in both ends of the connecting shaft, and second end portions of the supporting pins being penetrated through the side frame sections and riveted over. While Akazawa and Kadereit et al. do not specify how the connecting shaft is attached, Hunter et al. teach a height adjusting device wherein the connecting shaft 25 (see Fig. 4) is attached via welding.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Akazawa to include supporting pins with first and second end portions, the first end portions being penetrated through the rearward linkage members, welded to the rearward linkage members, and fitted in both ends of the connecting shaft, the second end portions being penetrated through the spaced apart side frame sections and riveted over whereby the connecting shaft is rotatably supporting to the side frame sections and the rearward linkage members being welded to the connecting shaft, such as the devices disclosed by Kadereit et al. and Hunter et al. One would have been motivated to make such a modification in view of the suggestion in Kadereit et al. that the supporting pins provide rotatable attachment to

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linkages and in view of the suggestion in Hunter et al. that welding to attach the connecting shafts allows for firm securement.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to height adjusting devices: U.S. Pat. No. 6,773,069 B1 to Kaneko et al.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell
May 2, 2007